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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION**

BEN Z. HALBERSTAM, On Behalf of)
Himself and All Others Similarly)
Situating,)

Plaintiff,)

v.)

NJOY, INC., *et al.*,)
Defendants.)

Case No. CV 14-00428-MMM (RZx)

**[PROPOSED] ORDER
CONSOLIDATING ACTIONS**

ERIC MCGOVERN, On Behalf of)
Himself and All Others Similarly)
Situating,)

Plaintiff,)

v.)

NJOY, INC., *et al.*,)
Defendants.)

Case No. SACV 14-00427-MMM
(RZ)

[PROPOSED] ORDER CONSOLIDATING ACTIONS

Having considered the parties' Joint Stipulation to Consolidate Actions in the above-captioned matters, and finding good cause thereto, the Court hereby ORDERS as follows:

1. The above-captioned actions are hereby consolidated for all purposes into one action before the Honorable Margaret M. Morrow.

2. The above-captioned actions shall be referred to herein as the "Consolidated Action."

3. All papers and documents previously served and filed in both of the cases consolidated herein are deemed filed and served and are a part of the record in the Consolidated Action.

4. Every pleading in this Consolidated Action shall bear the following caption:

UNITED STATES DISTRICT COURT		
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION		
IN RE NJOY, INC. CONSUMER CLASS ACTION LITIGATION))))	Case No. CV 14-00428-MMM (RZx)

5. Plaintiffs in the Consolidated Action will file an amended consolidated complaint (the "Amended Consolidated Complaint") within thirty (30) days of the entry by the Court of this Stipulation and the [Proposed] Order. Defendants shall respond to the Amended Consolidated Complaint only, and shall have no obligation to respond to any other complaint previously filed in either of the above-captioned actions.

6. Defendants shall respond to the Amended Consolidated Complaint within thirty (30) days of its filing with the Court.

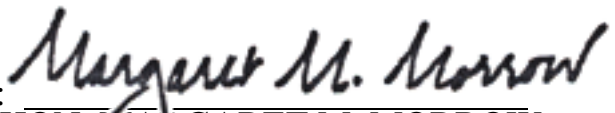
7. If Defendants respond to the Amended Consolidated Complaint in the

1 form of a motion, the parties agree to meet and confer on a briefing and hearing
2 schedule before it is filed. Plaintiffs shall have at least thirty (30) days to respond to
3 Defendants' motion and Defendants shall have twenty-one (21) days to reply, unless
4 otherwise agreed upon by the parties or ordered by the Court.

5 8. The Court requests the assistance of all counsel in calling to the
6 attention of the Clerk in this Court the filing or transfer of any case which might
7 properly be consolidated as part of this Consolidated Action.

8
9 IT IS SO ORDERED.

10
11 DATED: April 29, 2014

By: 
HON. MARGARET M. MORROW
UNITED STATES DISTRICT COURT
JUDGE

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DECLARATION REGARDING CONCURRENCE

I, Jordanna Thigpen, am the ECF/CM User whose identification and password are being used to file this [Proposed] Order Consolidating Actions. In compliance with L.R. 5-4.3.4(2)(i), I hereby attest that Janine L. Pollack, Jeff S. Westerman, Eduard Korsinsky, Brian D. Chase, and Paul L. Gale have concurred in this filing's content and have authorized its filing.

DATED: April 25, 2014 By: /s/ Jordanna G. Thigpen
Jordanna G. Thigpen